

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: _____

NESLY SAINTIL,

Plaintiff,

v.

AMAZON.COM SERVICES LLC,

Defendant.

_____ /

NOTICE OF REMOVAL

Defendant Amazon.com Services LLC¹ (“Defendant”), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action from the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, where the action is now pending, to the United States District Court for the Southern District of Florida, Miami Division. This removal is based upon the following:

Background

1. On or about June 21, 2023, Plaintiff Nesly Saintil (“Plaintiff”) filed a civil action against Defendant in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, entitled *Nesly Saintil v. Amazon.com Services, LLC*, Case No. 2023-018436-CA-01 (the “State Court Action”). Plaintiff’s Complaint asserts claims against Defendant for discrimination and retaliation under federal law.

¹ Plaintiff improperly identified Defendant as “Amazon.com Services, LLC,” a non-existent entity. Amazon.com Services LLC employed Plaintiff and is the proper defendant.

2. Specifically, Plaintiff's Complaint asserts the following causes of action against Defendant: (1) race discrimination in violation of 42 U.S.C. § 1981; and (2) retaliation in violation of 42 U.S.C. § 1981.

3. This action is within the original jurisdiction of the United States district courts because Plaintiff has asserted claims under 42 U.S.C. § 1981. *See* 28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil actions arising under the . . . laws . . . of the United States.").

Venue

4. The United States District Court for the Southern District of Florida, Miami Division, embraces the district and division where the State Court Action is pending. 28 U.S.C. § 89(c). Thus, this Notice of Removal has been properly filed within this District and Division. *See* 28 U.S.C. § 1441; *see also Tritak v. Metropolitan Casualty Insurance Company*, No. 3:08-cv-14-J-33JRK, 2008 WL 312675, at *2 (M.D. Fla. Feb. 4, 2008) (explaining that state court action may be removed "to only one federal venue . . . the statutorily dictated district court for the district and division embracing the place where the state court action was pending.").

Compliance with Procedural Requirements

5. On July 17, 2023, Defendant was served with the Summons and a copy of the Complaint. This Notice of Removal has been filed within thirty (30) days after service of the Complaint in the State Court Action, which constitutes Defendant's first legal notice of the same for purposes of removal. Thus, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. True and correct copies of all process, pleadings, and orders currently on file with the Clerk of the Court in the State Court Action are being filed with this Notice of Removal pursuant to 28 U.S.C. § 1446(a). *See Exhibit A.*

7. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly provide written notice of this removal to Plaintiff and will file a copy of this Notice of Removal in the State Court Action.

WHEREFORE, Defendant, Amazon.com Services LLC, respectfully requests that this action, now pending in the Circuit Court of The Eleventh Judicial Circuit in and for Miami-Dade County, Florida, be removed to this Court.

Dated: August 16, 2023

Respectfully submitted,

/s/ Miguel A. Morel

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Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th of August 2023, a true and correct copy of the foregoing was electronically filed and served via transmission of Notice of Electronic Filing generated by CM/ECF on all counsel or parties of record on the Service List below, and also via any additional manner noted below.

/s/ Miguel A. Morel
Miguel A. Morel

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